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LOK SABHA

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The following Bills were introduced in Lok Sabha on the 13th  
March, 1964:—

BILL No. 11 1964

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1964. Short title  
and com-  
mence-  
ment.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 80 of the Constitution,—

(i) in sub-clause (a) of clause (1), the words “in accordance with the provisions of clause (3)” shall be omitted; and

Amend-  
ment of  
article 80.

10 (ii) clause (3) shall be omitted.

3. In article 171 of the Constitution,—

(i) in sub-clause (e) of clause (3), the words “in accordance with the provisions of clause (5)” shall be omitted; and

Amend-  
ment of  
article 171.

(ii) clause (5) shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

Men of literature, science, arts and social services by themselves have little to do in the legislatures as at present. They would render better service to the country and the people by utilising their time in making contributions in their own fields. In ancient days men with special knowledge and experience in arts, etc. used to adorn the royal courts. But in such courts they were needed to make contributions in their own fields. They had that scope and were not required to follow and participate in the routine of official business. That background does not exist in our present day legislatures and the scope is also not there. These provisions in the Constitution, therefore, do not serve any useful purpose and should be omitted.

Hence this Bill.

NEW DELHI;  
*The 2nd January, 1964.*

C. K. BHATTACHARYYA.

## BILL NO. 16 OF 1964

*A Bill further to amend the Land Acquisition Act, 1894.*

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1964.

Short title,  
extent and  
commence-  
ment,

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

1 of 1894. 2. In section 3 of the Land Acquisition Act, 1894, (hereinafter referred to as the principal Act),—

Amendment  
of section 3.

10 (i) in clause (b), the words "or cultivates the land or any portion of it as a *bargadar*" shall be added at the end; and

(ii) after clause (b), the following explanation shall be added, namely :—

15 "Explanation.—A '*bargadar*' is a person who under the system generally known as *adhi*, *barga* or *bhag* cultivates the land of another person on condition of delivering a share of the produce of such land to that person."

Amendment  
of section  
11.

3. In section 11 of the principal Act, for the words, figures and brackets "at the date of the publication of the notification under section 4, sub-section (1)", the words "at the date of the acquisition" shall be substituted.

Insertion of  
new section  
15A.

4. After section 15 of the principal Act, the following new section 5 shall be inserted, namely :—

"15A. Whenever bulk acquisition of land under this Act involves displacement of one hundred or more families, it shall be the responsibility of the requiring authority to provide for the rehabilitation of these displaced persons in a manner to be 10 prescribed by Rules."

Amendment  
of section  
23.

5. In section 23 of the principal Act,—  
(1) in sub-section (1),—

(i) in clause *first* for the words, figures and brackets "at the date of the publication of the notification under section 4, 15 sub-section (1)," the words "at the date of the acquisition" shall be substituted;

(ii) in clause *fifthly*, the word "and" shall be omitted;

(iii) in clause *sixthly*, the word "and" shall be added at the 20 end; and

(iv) the following new clause shall be added at the end, 25 namely :—

"*seventhly*, the loss of earning, if any, caused to the person interested in consequence of the acquisition of the land, where earning was derived directly from such land." 25

(2) the following new sub-section shall be added at the end, namely :—

"(3) Compensation payable to a *bargadar* for loss of earning under clause *seventhly* of sub-section (1) shall not exceed three times the net average annual income which was derived or 30 might be derived from the land during three years immediately preceding the date of acquisition.

*Explanation.*—The net annual income of a *bargadar* in any year shall be taken to be fifty per cent. of the total produce of the land cultivated by him in that year." 35

## STATEMENT OF OBJECTS AND REASONS

The actual tiller of the agricultural land acquired under the Land Acquisition Act, 1894 does not receive any part of the compensation awarded therefor. Moreover, under section 23 of the Act, the amount of compensation is determined according to the market value of the land at the time of notification under section 4 of the Act. The compensation is generally calculated and given at the time of acquisition which is about five years after the notification and by this time the market value of the land increases by leaps and bounds. Hence the compensation thus calculated is neither fair nor sufficient to buy even an equivalent area of land elsewhere with similar advantage.

Hence the Bill.

NEW DELHI;

*The 31st January, 1964.*

S. HANSDA.

## FINANCIAL MEMORANDUM

The Bill will no doubt involve expenditure but an estimate of such expenditure cannot be given at present. The expenditure will depend on several factors such as the number and magnitude of Projects etc. which may in future, have to be taken up for any public purpose. This factor alone cannot be determined now.

BILL No. 9 of 1964

*A Bill further to amend the Advocates Act, 1961.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows :

1. This Act may be called the Advocates (Amendment) Act, 1964. Short title  
and com-  
mencement.

5 (2) It shall come into force at once.

23 of 1961. 2. In clause (c) of sub-section (1) of section 24 of the Advocates Act, 1961, after the figures, letters and words "28th day of February, 1962", wherever they occur, the following shall be inserted and shall be deemed always to have been inserted, namely:— Amendment  
of section  
24.

10 "and the 31st day of December, 1963 in the case of States where the examination for the degree of law or the supplementary examinations thereof were held in May-June, 1963".

## STATEMENT OF OBJECTS AND REASONS

Under section 24(1) of the Advocates Act, 1961, the 28th February, 1962 has been appointed the date which qualifies a law graduate to be admitted as an advocate on a State roll. The intention behind this section is that the law graduates of the year 1962 should be given exemption from apprenticeship. This date gave benefit to those law graduates who passed their law final examination in the month of January-February, 1962. This benefit should be extended to those persons who passed their law final examination upto December, 1963.

Hence the Bill.

NEW DELHI;  
The 3rd February, 1964.

C. B. SINGH.

M. N. KAUL,  
*Secretary.*